

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

In re Application of  
CHEVRON CORPORATION, a Delaware  
corporation,

Applicant,

3TM CONSULTING, LLC, a Texas limited  
liability corporation, and 3TM  
INTERNATIONAL, INC., a Texas corporation,

Respondents.

CIVIL ACTION NO. 4:10-mc-134

**EX PARTE APPLICATION FOR ORDER UNDER 28 U.S.C. § 1782 PERMITTING  
CHEVRON CORPORATION TO ISSUE A SUBPOENA FOR THE TAKING OF A  
DEPOSITION AND THE PRODUCTION OF DOCUMENTS FROM 3TM**

Based upon the annexed declarations of Andrea E. Neuman and Samantha A. Lunn and the accompanying memorandum of points and authorities, Chevron Corporation (“Chevron”) hereby applies to this Court *ex parte* for an Order, pursuant to 28 U.S.C. § 1782, and Rules 26, 30 and 45 of the Federal Rules of Civil Procedure, granting Chevron leave to serve 3TM International, Inc. with a subpoena annexed to the Declaration Samantha A. Lunn as Exhibit A, and leave to serve 3TM Consulting, LLC (“3TM”) with a subpoena annexed to the Declaration Samantha A. Lunn as Exhibit B.

The requested relief is for the purpose of obtaining limited, but necessary, discovery for use in a civil proceeding currently pending before a foreign tribunal: *Maria Aguinda y Otros v. Chevron Corporation*, a suit filed in 2003 against Chevron in the Superior Court of Nueva Loja, Ecuador (the “Lago Agrio Litigation”). In sum, Chevron seeks documents and a deposition from 3TM because its work product appears secretly to have been adopted by a testifying expert in the Lago Agrio Litigation. This expert’s report, which purports to provide the basis for a \$27 billion “damage assessment” against Chevron, is now at issue in the Lago Agrio Litigation.

Chevron is a party to and thus an “interested person” in the Lago Agrio Litigation under Section 1782, and the discovery sought is for use in that proceeding. And the target of this discovery, namely 3TM, is found within this district. Chevron thus meets all the statutory criteria for the issuance of an order allowing the requested discovery. 28 U.S.C. § 1782. Moreover, as set forth in its Memorandum of Points and Authorities filed concurrently herewith, all the discretionary factors that this Court may consider likewise favor granting this *ex parte* Application. Chevron thus respectfully requests that its Application be granted.

DATE: March 29, 2010

Respectfully submitted,

/s/ Samantha A. Lunn  
Samantha A. Lunn, Esq.  
GIBSON, DUNN & CRUTCHER LLP  
2100 McKinney Avenue, Suite 1100  
Dallas, TX 75201  
T: 214.698.3193  
F: 214.571.2901  
E: SLunn@gibsondunn.com  
Texas State Bar No. 24050595

Andrea E. Neuman, Esq.  
(pro hac vice admission forthcoming)  
GIBSON, DUNN & CRUTCHER LLP  
3161 Michelson Drive, Suite 1200  
Irvine, California 92612  
T: 949.451.3937  
F: 949.451.4220  
E: ANeuman@gibsondunn.com

Scott A. Edelman, Esq.  
(pro hac vice admission forthcoming)  
GIBSON, DUNN & CRUTCHER LLP  
2029 Century Park East  
Los Angeles, California 90067-3026  
T: 310.557.8061  
F: 310.552.7041  
E: SEdelman@gibsondunn.com

Attorneys for Applicant